

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

FELICIA BYERS,)
)
Plaintiff,)
)
v.)
) C.A. No. 05-711-GMS
HSBC PAY SERVICES, INC.,)
)
Defendant.)

MOTION TO DISMISS

Defendant HSBC Pay Services, Inc., by and through its attorneys, hereby moves to dismiss this action on the grounds that the Plaintiff failed to file suit within the required time period. As such, Defendant requests the Complaint be dismissed in its entirety for the reasons set forth in Defendant's brief filed contemporaneously herewith.

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Dated: December 5, 2005

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

CERTIFICATE OF SERVICE

I hereby certify that on December 5, 2005, I electronically filed the foregoing Motion to Dismiss with the Clerk of Court using CM/ECF which will send notification of such filing to the following and on December 5, 2005, hand delivered copies of the same to:

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